

United States District Court

SOUTHERN

DISTRICT OF
McALLEN DIVISION

TEXAS

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Edward Gutierrez-Rodriguez

PRINCIPAL

Case Number:

YOB:

1975

M-19-0735 -M

United States Citizen

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about March 28, 2019 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Sajid Kevin Zelaya and Steven Elvis Zelaya, both citizens and nationals of Belize, who had entered the United States in violation of law, did knowingly move, transport, or attempted to move, or attempted to transport said aliens in furtherance of such violation of law within the United States, that is, from a location near Hidalgo, Texas to the point of arrest near Hidalgo, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On March 27, 2019, Border Patrol Agents encountered a group of seven suspected illegal aliens who were found shortly after illegally crossing the Rio Grande River near Hidalgo, Texas. Agents conducted an immigration inspection on the subjects. Five of the seven individuals claimed to be illegally in the United States. The other two individuals, Sajid Kevin Zelaya and Steven Elvis Zelaya, claimed to be U.S. Citizens from Puerto Rico.

I declare under penalty of perjury that the statements in this complaint are true and correct. Executed on March 30, 2019.

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1, and probable cause found on:

/s/ Julio C. Peña

Signature of Complainant

Julio C. Peña

Senior Patrol Agent

Printed Name of Complainant

March 30, 2019

Date

at McAllen, Texas

City and State

Juan F. Alanis

, U. S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-19-0735 -M

RE: Edward Gutierrez-Rodriguez

CONTINUATION:

Steven Zelaya claimed his employer was going to pick both his brother and him up. He provided agents with his employer's cell phone number. Agents called the number and spoke to a male subject, later identified as Edward Gutierrez-Rodriguez (herein after "Gutierrez"), whom stated that he was not available to pick up the Zelaya brothers because his truck had mechanical issues.

Shortly thereafter, agents received an image from a remote camera near the Rio Grande River. The camera showed the Zelayas and the other illegal aliens as they were attempting to cross the border wall. When the Zelayas were confronted with this information, both Sajid and Steven admitted they were not citizens of the United States but rather they were citizens and nationals of Belize who were illegally and unlawfully present in the United States.

On March, 28, 2019, Gutierrez arrived at the Border Patrol Station claiming he was in possession of the Zelayas driver's license and social security cards. Agents inspected the documents and determined that the documents were fraudulent. A records check of Gutierrez was conducted and revealed he had an outstanding felony warrant from California. At this point, Gutierrez was taken into custody on the warrant.

PRINCIPALS STATEMENT:

Edward Gutierrez-Rodriguez, who claimed to be a United States citizen, was read his Miranda Rights. He understood and agreed to provide a statement to agents.

Gutierrez claimed that Sajid and Steven Zelaya are going to work for him and that they all drove down from Dallas, Texas earlier that week. Gutierrez claimed he was considering employing the Zelayas as truck drivers. Gutierrez stated that both Zelayas had left their wallets with him when they went out the previous night to "find girls."

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CONTINUATION:

MATERIAL WITNESSES STATEMENTS:

Sajid Kevin Zelaya and Steven Elvis Zelaya were both read their Miranda Rights. Both men indicated they understood their rights and agreed to provide statements.

Sajid, a citizen of Belize, stated that he and Steven had traveled to Reynosa, Mexico. Sajid claimed that Steven had made the smuggling arrangements and that they paid to cross the Rio Grande River into the United States. Sajid stated that Steven was communicating with an individual he knew as "Edward" throughout their journey.

Steven, a citizen of Belize, stated that he made contact with an alien smuggler known to him as "Eugene" with whom he had made arrangements to be smuggled into the United States. Steven stated he and Sajid had flown into Mexico City and met an individual known as "Ricardo." Ricardo charged the Zelayas \$4,000 to smuggle the brothers into the United States. Steven stated that they then traveled to Reynosa and stayed at a motel. They eventually were crossed over the Rio Grande River on a raft and were caught by Border Patrol agents. Steven stated that "Eugene" used to work for Gutierrez and that they had called Gutierrez before crossing into the United States. After they crossed they called Gutierrez to inform him where they were so he could pick them up. According to Steven, Gutierrez said that he was in the area but was fixing his truck. Steven further indicated that "Eugene" was supposed to provide them with identification.